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HEWLETT-PACKARD COMPANY
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P.O. Box 272400
Fort Collins, CO 80527-2400

EXAMINER

LETT, THOMAS J

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2625

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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 09/976,625	Applicant(s) HAINES ET AL.	
	Examiner Thomas J. Lett	Art Unit 2625	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 31 August 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 43-66 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 43-66 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 27 June 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>9/27/07</u> . | 6) <input type="checkbox"/> Other: _____ |

Response to Arguments

1. Applicants' arguments filed 31 August 2007 have been fully considered but they are not persuasive.
2. Referring to independent claim 43, Applicants argue that the reliance upon inherency is improper. Specifically, the method recites *receiving identification information for a plurality of peripheral devices of a common network*.
3. Examiner responds that in order to diagnose a problem in the network containing diverse devices, each device capable of producing numerous faults (i.e., triggered events), the diagnostic server of Sampath et al would inherently need to know where the problem occurred (i.e., which of the diverse peripherals has a triggered event). Therefore, it has to receive identification information from the monitored device that is sending the problem/fault information. If the diagnostic server does not have a clue as to the identity of the device that originates a triggered event, there would be no way of solving the problem in the system. To analogize this scenario, think of the diagnostic server as a doctor, and the diverse peripherals that are monitored as her different patients. If a patient calls with a triggered event, the doctor needs to have the patient's identity to prescribe a solution to the patient's triggered event. Similarly, if several patients call with triggered events, the doctor needs to have the patients' identities and their associated triggered event to prescribe the right solution to the correct patient's triggered event. This is an inherent feature of an entity performing a diagnosis because the diagnostic server must be able to figure out where the problem is happening in the network. If the triggered event "out of paper" comes in to the diagnostic server from four different monitored devices out of fifteen monitored devices, how would the diagnostic server know which monitored devices to diagnose sans the identification of the monitored device and the associated problem. The rejection is proper.

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4. Applicants argue that Sampath et al do not teach formulating configuration data configured to cause configuration of respective ones of the peripheral devices according to respective ones of the thresholds.

5. Examiner responds that, as understood by the claim language, the information of Sampath et al is formulated as useful to the device to help avert a particular failure in the monitored electronic system (e.g., a printer) as it relates to the threshold, col. 6, lines 3-26. As a result of this formulation, the command data (i.e., configuration data) is sent to the monitored electronic system to initiate recalibration (i.e., correction or adjustment of the configuration of the monitored device). The rejection is proper.

6. Regarding claim 45, Applicants argue that Sampath et al do not teach or suggest the claimed limitations of the management device outputting instructions for communication through a firewall or that the instructions are configured to cause an entity inside the firewall to discover presences of the peripheral devices of the common network and to communicate the identification information corresponding to the peripheral devices responsive to the discovery.

7. Examiner responds that the prior art invention of Sampath et al is designed to be modified to work in an environment of firewalls, col. 2, lines 28-34. A user of the invention of Sampath et al may or may not choose to design the system to be used with one or more security features such as firewalls. In addition, Examiner notes that customer sites (suppliers or repair agents) may choose to use their own security measures to limit access to their site in this networked environment of Sampath et al. The rejection is proper.

8. Regarding claim 53, Applicants argue that Sampath et al do not teach or suggest defining a plurality of different groups individually comprising different ones of the peripheral devices.

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9. Examiner responds that the prior art invention of Sampath et al is a monitoring system designed to monitor one or more electronic systems, col. 3, lines 6-11. One such group is that of a plurality of printers and another group is that of other monitored electronic devices since the invention of Sampath et al doesn't monitor just printers. The rejection is proper.

10. Regarding claim 54, Applicants argue that Sampath et al do not teach or suggest an interface configured to output a communication configured to initiate discovery of a plurality of peripheral devices of a common network, to receive identification information of the discovered peripheral devices responsive to the outputting of the communication, and to receive status information regarding a status of a consumable for at least one of the peripheral devices.

11. Examiner responds that the prior art invention of Sampath et al is a monitoring system that makes requests of information from the monitored peripherals and associated components, see at least the Abstract, and this reads on discovery of the monitored peripherals. The rejection is proper.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

12. Claims 43-66 are rejected under 35 U.S.C. 102(e) as being anticipated by Sampath et al (USPN 6,892,317 B1).

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Regarding claim 43, Sampath et al disclose a peripheral device management method performed by a management apparatus (diagnostic server 100, col. 3, line 64, see Fig. 1), the method comprising:

first receiving identification information (inherent, since a diagnostic device must know the identity of the devices it is to monitor) for a plurality of peripheral devices of a common network (network 25, col. 4, lines 6-10);

second receiving threshold information regarding a plurality of thresholds corresponding to operations of respective ones of the peripheral devices (having threshold knowledge, col. 2, lines 9-13);

formulating configuration data (prediction analysis, col. 6, lines 3-7) configured to cause configuration of respective ones of the peripheral devices according to respective ones of the thresholds (based on status and threshold information to determine an impending failure, col. 6, lines 17-21, the information of Sampath et al is formulated as useful to the device to help avert a particular failure in the monitored electronic system (e.g., a printer) as it relates to the threshold, col. 6, lines 3-26. As a result of this formulation, the command data (i.e., configuration data) is sent to the monitored electronic system to initiate recalibration (i.e., correction or adjustment of the configuration of the monitored device.);

communicating the configuration data to the peripheral devices using the identification information (forward command controls back to the monitored system(s), col. 7, lines 1-4);

after the communicating, third receiving statuses corresponding to the thresholds from respective ones of the peripheral devices (the monitoring inherently continues even after a feedback cycle);

processing the statuses (col. 7, lines 36-39); and

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initiating an action with respect to the statuses of the peripheral devices responsive to the processing (initiating the order of parts/consumables, col. 7, lines 39-45).

Regarding claim 44, Sampath et al disclose a method of claim 43 wherein the method is performed by the management apparatus comprising a server (diagnostic server 100, col. 3, line 64, see Fig. 1) in communication with the common network, and wherein the receivings, the formulating, the communicating, the processing and the initiating individually comprise acts performed by the server (col. 3, line 63 – col. 4, line 10).

Regarding claim 45, Sampath et al disclose a method of claim 43 further comprising outputting a plurality of instructions for communication through a firewall associated with the common network, and wherein the instructions are configured to cause an entity inside the firewall to discover presences of the peripheral devices of the common network and to communicate the identification information corresponding to the peripheral devices responsive to the discovery (Sampath et al is designed to be modified to work in an environment of firewalls, col. 2, lines 28-34. A user of the invention of Sampath et al may or may not choose to design the system to be used with one or more security features such as firewalls. In addition, Examiner notes that customer sites (suppliers or repair agents) may choose to use their own security measures to limit access to their site in this networked environment of Sampath et al).

Regarding claim 46, Sampath et al disclose a method of claim 43 wherein the statuses are indicative of levels of consumables for respective ones of at least some of the peripheral devices, wherein the consumables are consumed during operations of respective ones of the peripheral devices, wherein the statuses indicate triggering of the thresholds for respective ones of the peripheral devices, and wherein the initiating comprises initiating shipment of the consumables (col. 1, line 65 – col. 2, line 6 wherein at least one of the data received triggers appropriate actions).

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Regarding claim 47, Sampath et al disclose a method of claim 46 wherein the processing comprises:

combining the statuses to provide combined status data (it is inherent and mandatory that the failing device combine its identifier with its problem status when reporting a problem status. Such a system would be very ineffective if the monitoring/diagnostic system did not know where the problem in such a networked system originated. Sampath et al monitors a plurality of devices and must receive the identifier and status information from the monitored device in order to rectify the problem device); and

comparing the combined status data with respect to an order threshold, and wherein the initiating the shipment of the consumable comprises initiating responsive to the combined data triggering the order threshold (initiating the order of parts/consumables, col. 7, lines 39-45).

Regarding claim 48, Sampath et al disclose a method of claim 47 further comprising defining a plurality of different groups of the peripheral devices, and the combining the statuses comprises combining the statuses of the peripheral devices of one of the groups (col. 3, lines 6-11).

Regarding claim 49, Sampath et al disclose a method of claim 43 wherein the statuses are indicative of levels of consumables for respective ones of the peripheral devices, wherein the consumables are consumed during operations of respective ones of the peripheral devices, wherein the statuses indicate triggering of the thresholds for respective ones of the peripheral devices, and wherein the initiating comprises initiating outputting of information indicative of the levels of the consumables for communication to an entity (having threshold knowledge, col. 2, lines 9-13).

Regarding claim 50, Sampath et al disclose a method of claim 43 wherein the statuses are individually indicative of triggering of a maintenance threshold indicative of a predetermined

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amount of operations performed by a respective one of the peripheral devices, and wherein the initiating comprises initiating outputting of a maintenance service request to request maintenance of at least one of the peripheral devices (see at least Table 1, col. 7).

Regarding claim 51, Sampath et al disclose a method of claim 43 wherein the initiating comprises initiating communication of a request for authorization with respect to replenishment of a consumable for at least one of the peripheral devices (col. 6, lines 58-65).

Regarding claim 52, Sampath et al disclose a method of claim 43 wherein the initiating comprises initiating communication of a request for authorization with respect to performing maintenance for at least one of the peripheral devices (see at least Table 1, col. 7).

Regarding claim 53, Sampath et al disclose a peripheral device consumable management method comprising:

first receiving identification information (inherent, since a diagnostic device must know the identity of the devices it is to monitor) regarding a plurality of peripheral devices individually configured to consume a consumable;

defining a plurality of different groups individually comprising different ones of the peripheral devices (col. 3, lines 6-11; and Sampath et al is a monitoring system designed to monitor one or more electronic systems, col. 3, lines 6-11. One such group is that of a plurality of printers and another group is that of other monitored electronic devices since the invention of Sampath et al doesn't monitor just printers.);

receiving statuses from the peripheral devices indicating replenishment of the consumable is desired for respective ones of the peripheral devices (col. 1, line 65 – col. 2, line 6 wherein at least one of the data received triggers appropriate actions for monitored devices);

for an individual one of the groups, combining the statuses of the respective peripheral devices of the group providing combined status data (it is inherent and mandatory that the

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failing device combine its identifier with its problem status when reporting a problem status.

Such a system would be very ineffective if the monitoring/diagnostic system did not know where the problem in such a networked system originated. Sampath et al monitors a plurality of devices and must receive the identifier and status information from the monitored device in order to rectify the problem device);

comparing the combined status data with respect to a threshold; and initiating an action with respect to replenishment of the consumable for the peripheral devices of the group responsive to the comparing indicating the combined status data triggering the threshold (initiating the order of parts/consumables, col. 7, lines 39-45).

Regarding claim 54, Sampath et al disclose a peripheral device consumable management apparatus (diagnostic server 100, col. 3, line 64, see Fig. 1) comprising:

a communications interface (I/O interface 130, Fig. 1) configured to output a communication configured to initiate discovery of a plurality of peripheral devices of a common network, to receive identification information of the discovered peripheral devices responsive to the outputting of the communication, and to receive status information regarding a status of a consumable for at least one of the peripheral devices (Sampath et al is a monitoring system that makes requests of information from the monitored peripherals and associated components, see at least the Abstract, and this reads on discovery of the monitored peripherals.); and

processing circuitry (controller 120, col. 5, lines 51-58) coupled with the communications interface and configured to access the identification information and the status information, to process the status information, and to initiate an action with respect to replenishment of the consumable for the at least one of the peripheral devices responsive to the processing of the status information.

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Regarding claim 55, Sampath et al disclose an apparatus of claim 54 wherein the communications interface is configured to receive information defining a plurality of thresholds corresponding to levels at which replenishment of the consumable is desired for respective ones of the peripheral devices, and to control the communications interface to output configuration data configured to configure respective ones of the peripheral devices according to respective ones of the thresholds (col. 5, lines 55-57).

Regarding claim 56, Sampath et al disclose an apparatus of claim 54 wherein the communications interface and the processing circuitry are components of the management apparatus comprising a web server (col. 3, lines 1-5).

Regarding claim 57, Sampath et al disclose an apparatus of claim 54 wherein the outputted communication is configured for communication through a firewall associated with the common network, and wherein the outputted communication comprises a plurality of instructions configured to cause an entity inside the firewall to discover presences of the peripheral devices of the common network and to communicate the identification information using the discovered presences of the peripheral devices (the prior art invention of Sampath et al is designed to work in an environment of firewalls, col. 2, lines 28-34).

Regarding claim 58, Sampath et al disclose an apparatus of claim 54 wherein the processing circuitry is configured to initiate the action comprising initiating communication of an order for the consumable (initiating the order of parts/consumables, col. 7, lines 39-45).

Regarding claim 59, Sampath et al disclose an apparatus of claim 58 wherein the processing circuitry is configured to initiate the action responsive to the processing of the status information indicating the status of the consumable for the at least one of the peripheral devices triggering a threshold (initiating the order of parts/consumables, col. 7, lines 39-45).

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Regarding claim 60, Sampath et al disclose an apparatus of claim 54 wherein the processing circuitry is configured to initiate the action comprising initiating shipment of the consumable (initiating the order of parts/consumables, col. 7, lines 39-45).

Regarding claim 61, Sampath et al disclose an apparatus of claim 54 wherein the status information indicates statuses of the consumable for a plurality of the peripheral devices are below respective thresholds for the consumable for respective ones of the peripheral devices, and wherein the processing circuitry is configured to process the status information comprising combining the statuses providing combined status data, and comparing the combined status data to an order threshold, and wherein the processing circuitry is configured to initiate the action responsive to the comparing of the combined status data triggering the order threshold (initiating the order of parts/consumables, col. 7, lines 39-45).

Regarding claim 62, Sampath et al disclose a apparatus of claim 61 wherein the processing circuitry is configured to define a plurality of different groups of the peripheral devices, and wherein the processing circuitry is configured to combine the statuses of the peripheral devices of one of the groups to provide the combined status data (it is inherent and mandatory that the failing device combine its identifier with its problem status when reporting a problem status. Such a system would be very ineffective if the monitoring/diagnostic system did not know where the problem in such a networked system originated. Sampath et al monitors a plurality of devices and must receive the identifier and status information from the monitored device in order to rectify the problem device).

Regarding claim 63, Sampath et al disclose a method of claim 43 wherein the formulating comprises formulating the configuration data to cause the configuration comprising setting the thresholds of the peripheral devices (information of Sampath et al is formulated as useful to the device to help avert a particular failure in the monitored electronic system (e.g., a

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printer) as it relates to the threshold, col. 6, lines 3-26. As a result of this formulation, the command data (i.e., configuration data) is sent to the monitored electronic system to initiate recalibration (i.e., correction or adjustment of the configuration of the monitored device).

Regarding claim 64, Sampath et al disclose a method of claim 43 wherein the communicating comprises first communicating the configuration data to an entity for review of the configuration data (data received is reviewed by diagnostic server) and second communicating the configuration data to the peripheral devices to cause the configuration of the peripheral devices after the review by the entity (information of Sampath et al is formulated as useful to the device to help avert a particular failure in the monitored electronic system (e.g., a printer) as it relates to the threshold, col. 6, lines 3-26. As a result of this formulation, the command data (i.e., configuration data) is sent to the monitored electronic system to initiate recalibration (i.e., correction or adjustment of the configuration of the monitored device.).

Regarding claim 65, Sampath et al disclose a apparatus of claim 54 wherein the communications interface (I/O interface 130) outputs the communication to initiate discovery (monitoring of peripherals) of the plurality of peripheral devices of the common network, receives (via data acquisition circuit 140) the identification information of the discovered peripheral devices responsive to the outputting of the communication, and receives the status information regarding the status of the consumable for the at least one of the peripheral devices (Sampath et al is a monitoring system that makes requests of information and receives feedback from the peripherals from the monitored peripherals and associated components, see at least the Abstract, and this reads on discovery of the monitored peripherals. The information is the output to a data acquisition circuit 140 and a copy can also be output to a database 170, col. 5, lines 51-60.

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Regarding claim 66, Sampath et al disclose an apparatus of claim 54 wherein the processing circuitry (controller 120, col. 5, lines 51-58) is configured to control the communications interface to output the communication to initiate the discovery of the plurality of peripheral devices (monitoring of peripherals) of the common network.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thomas J. Lett whose telephone number is (571) 272-7464. The examiner can normally be reached on 8-4:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David K. Moore can be reached on (571) 272-7437. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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DAVID MOORE
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2625